

HOUSE BILL No. 1568

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-9-10-1; IC 16-19-3.

Synopsis: Mobile camps for railroad employees. Provides that a railroad company that houses railroad maintenance of way employees in a mobile camp shall: (1) not later than two business days after maintenance of way employees who are housed and work out of mobile camps arrive at a location, notify the state department of health (department) of the location of the mobile camp and approximate duration of the stay of the maintenance of way employees; and (2) request and permit inspection during railroad employee regular working hours by an employee of the department who has been properly briefed on safety and security issues directly related to railroads and railroad property. Requires the executive board of the department to adopt rules regarding persons living in railroad mobile camps and that the rules be enforced by employees of the department. Establishes the railroad mobile camp inspection fund and provides for deposits to the fund from certain railroad companies. Requires that the rules include a provision that a fee for the inspection of a railroad mobile camp be paid to the department, to be deducted from the railroad mobile camp inspection fund.

Effective: July 1, 2009.

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January 16, 2009, read first time and referred to Committee on Labor and Employment.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1568

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-9-10-1, AS AMENDED BY P.L.83-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. (a) As used in this section, "mobile camp"
4 means a temporary location where at least two (2) railroad maintenance
5 of way employees are housed.
6 (b) Every railroad company within the state of Indiana shall provide
7 and adequately maintain a heated room or rooms at all terminals,
8 headquarters, and mobile camps in the operation of the railroad
9 company, for the use of its employees.
10 (c) Each room required by subsection (b) must contain adequate
11 wash basins, shower-baths, inside toilets, and sufficient lockers for
12 checking employees' clothing.
13 (d) Every railroad shall maintain at all permanent assembly points
14 and mobile camps a supply of drinking water dispensed in a sanitary
15 manner. A permanent assembly point under this chapter is a location
16 where a minimum of two (2) maintenance of way employees meet for
17 not less than six (6) months of each year.



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(e) A railroad company that houses maintenance of way employees in a mobile camp shall provide and adequately maintain for the employees' use outfit cars, camp cars, or trailers in compliance with the rules adopted under IC 16-19-3-4.4.

(f) A railroad company that houses maintenance of way employees in a mobile camp shall:

(1) not later than two (2) business days after **maintenance of way employees who are housed and work out of mobile camps** arrive at that location, notify the **local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp; state department of health of the:**

(A) location of the mobile camp; and

(B) approximate duration of the stay of the maintenance of way employees; and

(2) request and permit inspection **by an authorized representative of the local health department during railroad employee regular working hours by an employee of the state department of health who has been properly briefed on safety and security issues directly related to railroads and railroad property** to ensure the conditions of the outfit cars, camp cars, or trailers are sanitary and healthful for the:

(A) maintenance of way employees; and

(B) local community.

(g) A railroad company shall locate and maintain a mobile camp described in subsection (e) in a safe and healthy environment.

SECTION 2. IC 16-19-3-4.4, AS ADDED BY P.L.83-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.4. (a) The executive board shall adopt reasonable rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in mobile camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants.

(b) The rules adopted under subsection (a) shall be enforced by **local health officers under IC 16-20-1-19 and IC 16-22-8-34(a)(22): employees of the state department in accordance with IC 8-9-10-1(f).**

(c) The rules must include the following:

(1) A requirement for an inspection fee **necessary** to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the

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mobile camp.

(2) A provision that the inspection fee shall be paid **from the railroad mobile camp inspection fund established under section 4.5 of this chapter** to the

(A) ~~local health~~ **state** department. ~~under IC 16-20-1-2; or~~

(B) ~~municipal corporation created under IC 16-22-8-6;~~

~~before initiation of the inspection. The fee shall be deposited in the general fund of the local health department or the municipal corporation.~~

(3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp.

(4) A provision that the officials of the ~~local health~~ **department** or the ~~municipal corporation~~ **referenced in subdivision (2) state department** may conduct either:

(A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or

(B) joint inspections of the mobile camp with the presence of the railroad company and a union representative of ~~each craft of Brotherhood of Maintenance of Way Employees. working for the railroad company.~~

SECTION 3. IC 16-19-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) The railroad mobile camp inspection fund is established for the purpose of protecting the health, safety, and welfare of persons living in mobile camps.**

(b) The fund shall be administered by the state department.

(c) A railroad company that operates a mobile camp in the state as of June 30, 2009, shall deposit five thousand dollars (\$5,000) in the fund on or before July 15, 2009. A railroad company that did not operate a mobile camp in the state as of June 30, 2009, may not operate a mobile camp after June 30, 2009, without having deposited five thousand dollars (\$5,000) in the fund before operating the mobile camp.

(d) The state department shall use the balance in the fund attributable to a railroad company for expenses incurred in the process of conducting inspections of a mobile camp of the railroad company.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Money in the fund

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1 is continuously appropriated to the state department for the
 2 purpose of the fund specified in subsection (d). Interest that
 3 accrues from these investments shall be deposited in the fund.

4 (f) When the balance in the fund attributable to a railroad
 5 company is reduced to a balance of fifteen hundred dollars (\$1,500)
 6 or less, the state department shall notify the railroad company to
 7 make an immediate deposit into the fund sufficient to bring the
 8 balance attributable to the railroad company to not less than five
 9 thousand dollars (\$5,000).

10 (g) Notwithstanding subsection (f), beginning July 1, 2010, and
 11 at the beginning of each successive state fiscal year, the state
 12 department shall notify each railroad company that operates a
 13 mobile camp in the state of the balance in the fund attributable to
 14 the railroad company. If the balance is less than five thousand
 15 dollars (\$5,000), the state department shall notify the railroad
 16 company to make an immediate deposit into the fund sufficient to
 17 bring the balance attributable to the railroad company to not less
 18 than five thousand dollars (\$5,000).

19 (h) Money in the fund at the end of a state fiscal year does not
 20 revert to the state general fund.

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